

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES
1934

VOLUME 5
NUMBER 184

Washington, Friday, September 20, 1940

The President

EXECUTIVE ORDER

DESIGNATION OF THE ASSISTANT SECRETARY OF COMMERCE AND THE SOLICITOR OF COMMERCE TO ACT AS SECRETARY OF COMMERCE

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (U.S.C., title 5, sec. 6), I hereby authorize and direct the Assistant Secretary of Commerce to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce and of the Under Secretary of Commerce; and I hereby further authorize and direct the Solicitor of Commerce to perform the duties of the Secretary of Commerce in case of the absence, sickness, resignation, or death of the Secretary of Commerce, the Under Secretary of Commerce, and the Assistant Secretary of Commerce.

This order supersedes Executive Order No. 7900 of May 28, 1938, entitled "Designating John Monroe Johnson and Richard C. Patterson, Jr., to Act as Secretary of Commerce."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 17, 1940.

[No. 8541]

[F. R. Doc. 40-3918; Filed, September 19, 1940; 9:34 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

ORDER ADVANCING DATE OF TERMINATION OF RESTRICTIONS ON FRUIT AND VEGETABLE SHIPMENTS UNDER JAPANESE BEETLE QUARANTINE TO SEPTEMBER 19 FOR THE YEAR 1940

It has been determined that the active period of the Japanese beetle in its rela-

tion to fruits and vegetables has already ceased for the present season and that it is, therefore, safe to permit the unrestricted movement of fruits and vegetables from the regulated areas. Therefore it is ordered that the restrictions on the interstate movement of fruits and vegetables imposed by § 301.48-5¹ (regulation 5 of the rules and regulations (17th revision) as amended, supplemental to Notice of Quarantine No. 481) are hereby removed effective on and after September 19, 1940. This order advances the termination of the restrictions as to fruits and vegetables provided for in regulation 5 from October 16 to September 19, 1940, and applies to this season only.

Done at the city of Washington this 19th day of September 1940.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-3923; Filed, September 19, 1940; 11:01 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4104]

IN THE MATTER OF ROBERT A. JOHNSTON COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise so packed and assembled that sales of said merchandise to the general public are to be, or may be, made by means of a lottery, gaming device, or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Robert A. Johnston Company, Docket 4104, September 5, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in com-

¹ 5 F.R. 1847.

CONTENTS

THE PRESIDENT

Executive Order:	Page
Assistant Secretary of Commerce and Solicitor of Commerce designated to act as Secretary of Commerce.....	3745

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Bureau of Entomology and Plant Quarantine:	
Japanese Beetle Quarantine termination advanced for 1940 season.....	3745
TITLE 16—COMMERCIAL PRACTICES:	
Federal Trade Commission:	
Johnston, Robert A., Co., cease and desist order.....	3745
TITLE 17—COMMODITY AND SECURITIES EXCHANGES:	
Securities and Exchange Commission:	
Foreign companies, credit extensions, amended.....	3746
TITLE 24—HOUSING CREDIT:	
Home Owners' Loan Corporation:	
Loan Service regulations, corrections.....	3746
TITLE 31—MONEY AND FINANCE:	
TREASURY:	
Monetary Offices:	
Transactions in foreign exchange, etc.:	
General Ruling No. 7.....	3747
General Ruling No. 8.....	3747

NOTICES

Department of Labor:	
Wage and Hour Division:	
Apparel industry, glove branch, extension of findings, etc.....	3748
Learner employment certificates, notice of issuance for various industries.....	3748
Department of the Interior:	
National Park Service:	
Kings Mountain National Military Park, S. C., area to be included in.....	3747

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

Federal Communications Commission:	Page
Interstate Telephone Co., et al., hearing on charges for interstate telephone service.....	3749
Federal Power Commission:	
Durrance, F. M., et al., order to show cause.....	3749
Federal Security Agency:	
Social Security Board:	
Certification to Iowa Unemployment Compensation Commission.....	3749
Securities and Exchange Commission:	
New England Public Service Co., declaration filed.....	3750

merce, of candy or other merchandise, others with any merchandise, together with push or pull cards, punch boards, or any other devices, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said merchandise to the general public by means of a game of chance, gift enterprise, or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Robert A. Johnston Company, Docket 4104, September 5, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punch boards or other devices either with assortments of merchandise or separately, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said merchandise to the general public by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Robert

A. Johnston Company, Docket 4104, September 5, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Robert A. Johnston Company, Docket 4104, September 5, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission (respondent having filed no answer) and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that the respondent waives all hearings and other intervening procedure, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Robert A. Johnston Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed and assembled that sales of said merchandise to the general public are to be made or may be made by means of a lottery, gaming device, or gift enterprise;

(2) Supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards, or any other devices, which said push or pull cards, punch boards or other devices are to be used or may be used in selling or distributing said merchandise to the general public by means of a game of chance, gift enterprise, or lottery scheme;

(3) Supplying to or placing in the hands of others push or pull cards, punch boards or other devices either with assortments of merchandise or separately, which said push or pull cards, punch boards or other devices are to be used or may be used in selling or distributing said merchandise to the general public by means of a game of chance, gift enterprise or lottery scheme;

(4) Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall within sixty (60) days

¹ 5 F.R. 1660.

after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3926; Filed, September 19, 1940; 11:42 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

AMENDMENT RELATING TO EXTENSIONS OF CREDIT TO FOREIGN COMPANIES

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 9, 10, 12 and 20 (a) thereof [Sec. 9, 49 Stat. 817; 15 U.S.C., Sup. III, 791; Sec. 10, 49 Stat. 818; 15 U.S.C., Sup. III, 791; Sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 791; Sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 791], and finding such action appropriate in the public interest and for the protection of investors and consumers, and to prevent the circumvention of the provisions of said Act and the rules, regulations and orders thereunder, the Securities and Exchange Commission hereby amends § 250.12b-1¹ [Rule U-12B-1] by substituting a semicolon and the word "or" for the period at the end of paragraph (a) of said rule, and by adding to said paragraph (a) an additional subparagraph to read as follows:

(5) Failure to demand or enforce payment with respect to all or part of a matured obligation, or obligation payable on demand, if no new agreement is entered into with respect to the terms or conditions of the obligation which remains outstanding.

Effective September 19, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3929; Filed, September 19, 1940; 11:59 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

PART 402—LOAN SERVICE

PARTIAL RELEASE AND PROPERTY TRANSFER Corrections

Section 402.03f (2) and (3) of F. R. Doc. 40-3880 (filed, September 14, 1940 at 12:24 p. m.) appearing in the issue of September 17, 1940, at page 3663, is corrected to read as follows:

(2) the waiver of any right under any security instrument, installment sales contract, debt or evidence of indebted-

¹ 5 F.R. 2533.

ness secured thereby, or of any additional or supplemental agreements held by the Corporation in connection with such instruments, whether arising by contract or by operation of law including the right for deficiency judgment (but excluding discharges based upon payment in full) or

(3) the written consent of the Corporation to the making of repairs and improvements to, or the removal or demolition of, property covered by any security instrument, contract or other obligation.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

GENERAL RULING No. 7 UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

The provisions of General Ruling No. 5, as supplemented by General Ruling No. 6,¹ have been extended to securities or evidences thereof coming from the Philippine Islands and the Panama Canal Zone into any other part of the United States.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.
SEPTEMBER 18, 1940.

[F. R. Doc. 40-3920; Filed, September 19, 1940;
10:14 a. m.]

GENERAL RULING No. 8 UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

Inquiry has been made as to whether the following is prohibited, except under license, by Executive Order No. 8389, as amended, and the Regulations issued pursuant thereto:

A request or authorization made by or on behalf of a bank or other person within the United States to a bank or other person in a foreign country other than one of the countries designated in Executive Order No. 8389, as amended, as a result of which request or authorization such latter bank or person makes a payment or transfer of credit either directly or indirectly to one of the foreign countries designated in the Executive Order, as amended, or a national thereof.

The Treasury Department construes the Executive Order, as amended, and Regulations as prohibiting such a transaction except under license.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.
SEPTEMBER 18, 1940.

[F. R. Doc. 40-3921; Filed, September 19, 1940;
10:14 a. m.]

¹ 5 F. R. 2807.

Notices

DEPARTMENT OF THE INTERIOR.

National Park Service.

ORDER DETERMINING THE AREA TO BE INCLUDED WITHIN THE KINGS MOUNTAIN NATIONAL MILITARY PARK, SOUTH CAROLINA

Whereas the act of Congress approved March 3, 1931 (46 Stat. 1508) provides for the establishment of the Kings Mountain National Military Park to commemorate the Battle of Kings Mountain, fought on October 7, 1780, when the battle ground and such adjacent and contiguous lands as may be useful and proper in effectually carrying out the

purposes of the said act shall become the property of the United States; and

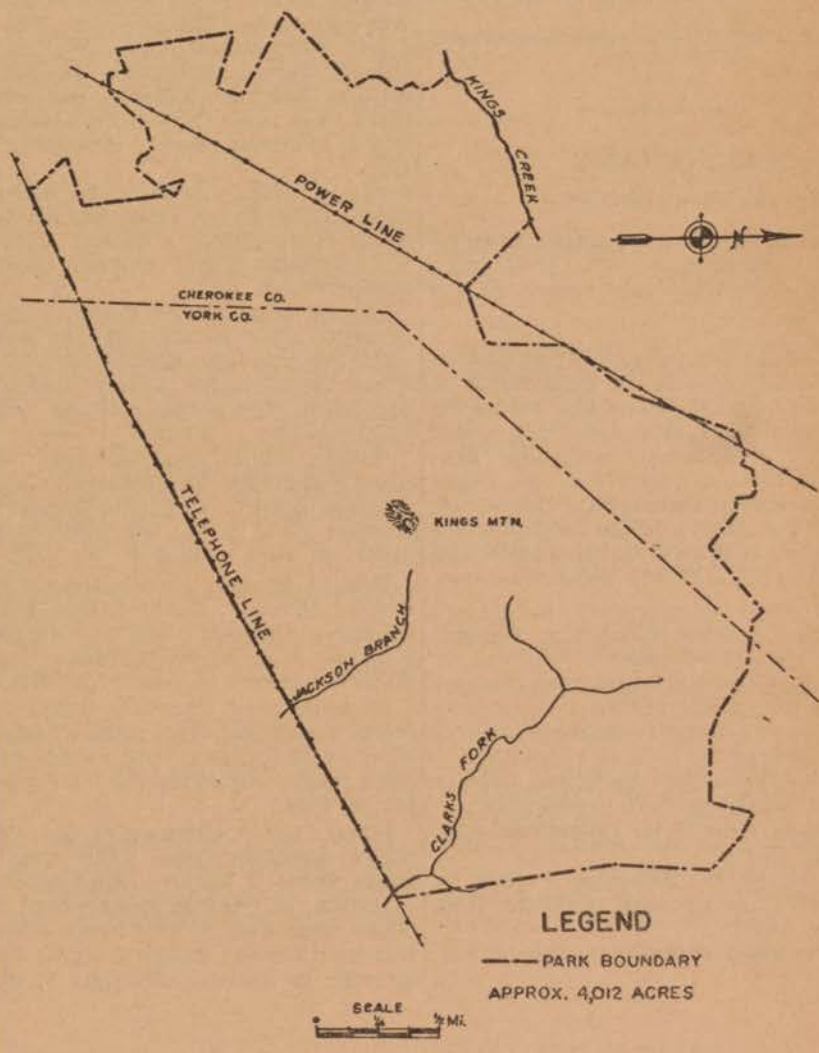
Whereas I have ascertained the location of the land on which the battle of Kings Mountain was fought, and all of the said land including such adjacent and contiguous lands as are useful and proper in effectually carrying out the purposes of the said act are the property of the United States:

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, under and by virtue of the authority conferred on the Secretary of War by the said act of March 3, 1931 and transferred to the Secretary of the Interior by Executive Order No. 6166, dated June 10, 1933, as interpreted by Executive Order No. 6228, dated July 28, 1933, do hereby determine that the Kings Mountain National Military Park shall

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

KINGS MOUNTAIN NATIONAL MILITARY PARK SOUTH CAROLINA



include those certain tracts or parcels of land with the structures thereon, containing approximately 4,012 acres and situated in Cherokee and York Counties, South Carolina, as shown upon the diagram attached hereto and made a part hereof, which area includes the land on which the battle of Kings Mountain was fought and such adjacent and contiguous lands as are useful and proper in effectually carrying out the purposes of the said act of March 3, 1931.

The administration, protection, and development of the Kings Mountain National Military Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An Act To establish a National Park Service, and for other purposes", as amended.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this park.

In witness whereof I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the City of Washington, this 11th day of July 1940.

[SEAL]

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-3919; Filed, September 19, 1940;
10:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530).

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591).

Millinery Learner Regulations, Custom Made, August 29, 1940, (5 F.R. 3392).

Millinery Learner Regulations, Popular Priced, August 29, 1940, (5 F.R. 3393).

Knitted Wear Order, October 24, 1939, (4 F.R. 4351).

Textile Order, November 8, 1939, (4 F.R. 4531) as amended, April 27, 1940, (5 F.R. 1586).

Glove Order, February 20, 1940, (5 F.R. 714).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 20, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

H. B. Glover Company, 480-498 Iowa Street, Dubuque, Iowa; Apparel; Pajamas & Sportswear; 5 learners (75% of the applicable hourly minimum wage); September 20, 1941.

Holyoke Dress Company, 642 S. Summer Street, Holyoke, Massachusetts; Apparel; Women's Dresses; 5 percent (75% of the applicable hourly minimum wage); September 20, 1941.

Improved Manufacturing Company, Union Street, Ashland, Ohio; Apparel; Leather and Cloth Jackets and Coats; 5 learners (75% of the applicable hourly minimum wage); September 20, 1941.

Iron King Overall Company, 126 W. Fayette Street, Baltimore, Maryland; Apparel; Men's Work Clothes and Cotton Goods; 5 learners (75% of the applicable hourly minimum wage); September 20, 1941.

Par-Ex Shirt Company, 20 Wooster Street, New Haven, Connecticut; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); September 20, 1941.

Edward Shuwall and Company, Inc., Pennsylvania & Hanover Streets, Pottstown, Pennsylvania; Apparel; 95% Children's Dresses & 5% Ladies' Uniforms; 50 learners (75% of the applicable hourly minimum wage); January 24, 1941.

Edward Shuwall and Company, Inc., Kreider Building, Elizabethtown, Pennsylvania; Apparel; Children's Dresses; 25 learners (75% of the applicable hourly minimum wage); January 24, 1941.

Edward Shuwall and Company, Inc., Kreider Building, Elizabethtown, Pennsylvania; Apparel; Children's Dresses; 5 percent (75% of the applicable hourly minimum wage); September 20, 1941.

Standard Pad Company, 1803 John Street, Cincinnati, Ohio; Apparel; Shoulder Pads; 5 learners (75% of the applicable hourly minimum wage); September 20, 1941.

Fibre Cloth Company, 327-36th Street, Brooklyn, New York; Textile; Paper Twine; 3 learners; April 20, 1941.

Monarch Textile Corporation, 206 Globe Mills Avenue, Fall River, Massachusetts; Textile; Tufted Chenille Bedspreads; 25 learners; February 7, 1941.

A. Schottland, Incorporated, S. Grace Street, Rocky Mount, North Carolina; Textile; Rayon and Acetate Fabrics; 4 learners; May 20, 1941.

Signed at Washington, D. C., this 19th day of September, 1940.

GUSTAV PECK,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 40-3928; Filed, September 19, 1940;
11:45 a. m.]

NOTICE OF EXTENSION OF FINDINGS AND DETERMINATION OF PRESIDING OFFICER MERLE D. VINCENT IN MATTER OF APPLICATION OF WORK GLOVE INSTITUTE, NATIONAL ASSOCIATION OF LEATHER GLOVE MANUFACTURERS, INC., UNDERWEAR INSTITUTE, ET AL., TO EMPLOY LEARNERS IN GLOVE BRANCH OF APPAREL INDUSTRY AT WAGES LOWER THAN MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938, PURSUANT TO SECTION 14 OF THE ACT AND REGULATIONS, PART 522

Whereas, the findings and determination of Presiding Officer Merle D. Vincent in the matter of the application of the Work Glove Institute, the National Association of Leather Glove Manufacturers, Inc., the Underwear Institute, et al., to employ learners in the glove branch of the apparel industry at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, pursuant to Section 14 of the Act and Part 522, as amended, of regulations issued thereunder, which findings and determination were filed with the Administrator on February 8, 1940, and are now on file in Room 5144, United States Department of Labor Building, Washington, D. C., where they are available for examination by all interested parties, state that no certificate issued pursuant to the order set forth in said findings and determination shall be valid after October 24, 1940, unless extended by order or otherwise, and

Whereas, it is necessary in order to prevent curtailment of opportunities for employment that certificates be issued pursuant to the said findings and determination of Presiding Officer Merle D. Vincent, which certificates shall be valid subsequent to October 24, 1940,

Now, therefore, it is ordered that certificates may be issued pursuant to the said findings and determination of Presiding Officer Merle D. Vincent, which certificates shall be valid subsequent to October 24, 1940, notwithstanding any statement to the contrary in the said findings and determination of Presiding Officer Merle D. Vincent.

Signed at Washington, D. C., this 19th day of September, 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-3927; Filed, September 19, 1940;
11:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5908]

IN THE MATTER OF CHARGES FOR INTERSTATE TELEPHONE SERVICE RENDERED BY THE INTERSTATE TELEPHONE COMPANY AND THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY.

ORDER FOR HEARING

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 17th day of September 1940,

It appearing, That there have been filed with the Federal Communications Commission tariffs containing schedules stating new charges and new classifications, regulations, and practices affecting such charges to become effective on the first day of October, 1940 designated as follows:

Interstate Telephone Company, Original Page 1 to Original Page 33, inclusive, of F.C.C. No. 6.

Pacific Telephone and Telegraph Company, 4th Revised Page 7 and Original Page 7-A of F.C.C. No. 89.

It is ordered, That the Commission, on its own motion, without formal pleading enter upon a hearing concerning the lawfulness of the charges and of the regulations, classifications, and practices stated in the said schedules contained in said tariffs;

It further appearing, That said schedules make certain increases in charges for interstate telephone service and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective dates of the said schedules contained in said tariffs should be postponed pending said hearing and decision thereon;

It is further ordered, That the operation of the said schedules contained in said tariffs be suspended and that the use of the charges, classifications, regulations, and practices therein stated be deferred until the first day of January, 1941, unless otherwise ordered by the Commission, and no change shall be made in such charges, classifications, regulations, and practices during the said period of suspension, unless authorized by special permission of the Commission.

It is further ordered, That the charges and the classifications, regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission.

It is further ordered, That a copy of this order be filed with said schedules in the office of the Federal Communica-

tions Commission, that a copy thereof be posted in the office of the Secretary of the Commission, that a copy be published in the FEDERAL REGISTER, and that copies be forthwith served upon the carriers parties to such schedules, and that each of said carriers parties to such schedules be, and they are hereby, made parties respondent to this proceeding; and

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10 a. m. on the 21st day of October, 1940 at the office of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3925; Filed, September 19, 1940; 11:32 a. m.]

FEDERAL POWER COMMISSION.

IN THE MATTER OF INVESTIGATION OF CONDUCT OF F. M. DURRANCE, C. D. WATERMAN AND R. B. MACDONALD

ORDER TO SHOW CAUSE

SEPTEMBER 17, 1940.

It appearing to the Commission that:

(a) F. M. Durrance of Washington, D. C., was employed by the Federal Power Commission as an attorney-examiner until he assumed a leave status on October 21, 1939, which expired on January 30, 1940;

(b) On or about May 17, 1940, said F. M. Durrance was employed as an attorney by Moline-Rock Island Manufacturing Company in connection with the proceedings pending before the Federal Power Commission in Docket No. IT-5517; that on May 17, 1940, a retainer fee of \$1,500 was authorized by R. B. MacDonald, President of the Moline-Rock Island Manufacturing Company, and paid to F. M. Durrance, and on June 17, 1940, a further payment of \$500 was made by Moline-Rock Island Manufacturing Company; that thereafter further payments totalling \$2,000 were made by C. D. Waterman, counsel for Moline-Rock Island Manufacturing Company to F. M. Durrance; and that F. M. Durrance also received \$200 for expenses from said R. B. MacDonald;

(c) The rules of practice and regulations of the Federal Power Commission provide:

§ 1.7 Former employees barred for one year. No person serving or having served as a Commissioner, officer, expert, examiner, attorney, accountant, engineer, or other employee in the Federal Power Commission shall be permitted to practice, appear or act as counsel, attorney, representative, or agent in any proceeding before the Commission, or before

any regional office, division or agency thereof, or in any manner or by any means aid or assist in the prosecution of any such matter or proceeding, within one year next after the separation of the said person from the service of the Commission; * * *

The Commission orders that:

Said F. M. Durrance show cause at a public hearing to be held at 10 o'clock a.m., on the 2nd day of October, 1940, in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., (1) why the employment described herein does not violate § 1.7 of the Rules of Practice and Procedure of the Federal Power Commission, (2) why it should not be found that his professional conduct in connection with this matter was unethical, and (3) why the Commission should not take appropriate disciplinary action against him;

and that:

Said C. D. Waterman be ordered to show cause at said hearing (1) why his conduct in this matter did not constitute participation in a violation of the aforementioned Rules of Practice and Procedure, (2) why it should not be found that his professional conduct in connection with this matter was unethical, and (3) why the Commission should not take appropriate disciplinary action against him;

and that:

Said R. B. MacDonald be ordered to show cause at said hearing (1) why his conduct in this matter did not constitute participation in a violation of the aforementioned Rules of Practice and Procedure, (2) why it should not be found that his conduct in connection with this matter was unethical, and (3) why the Commission should not take appropriate disciplinary action against him.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-3922; Filed, September 19, 1940; 10:28 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF IOWA

The Unemployment Compensation Commission of the State of Iowa having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Iowa unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Iowa.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMAYER,
Chairman.

SEPTEMBER 13, 1940.

Approved:

WAYNE COY,
Acting Administrator.

SEPTEMBER 17, 1940.

[F. R. Doc. 40-3924; Filed, September 19, 1940;
11:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-160]

IN THE MATTER OF NEW ENGLAND PUBLIC SERVICE COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1940.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than October 5, 1940 at 1:00 p. m., E.S.T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

New England Public Service Company, a registered holding company, proposes to make a capital contribution to Central Maine Power Company, its subsidiary company. Said contribution is in connection with the public offering of 20,000 shares of \$50 Preferred Stock, par value \$50, 5% Dividend Series, described in the Commission's notice of September 12, 1940 "In the Matter of Central Maine Power Company, File No. 70-154". Such capital contribution will be such amount as will, added to the price at which said stock is sold to the public, equal the par value thereof. It is estimated that said contribution, which will be charged to earned surplus, will be approximately \$75,000. It is also proposed that Central Maine Power Company declare and pay a dividend on its common stock in an amount approximately equal to the sum which will be contributed by the company under the conditions above set forth.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3930; Filed, September 19, 1940;
11:59 a. m.]